

SENATE BILL NO. 425

INTRODUCED BY C. STAPLETON

A BILL FOR AN ACT ENTITLED: "AN ACT SUBMITTING TO THE QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE IV, SECTION 8, ARTICLE VI, SECTIONS 1, 2, 3, 4, 6, AND 7, AND ARTICLE X, SECTION 4, OF THE MONTANA CONSTITUTION TO PROVIDE THAT THE NAME OF THE STATE AUDITOR BE CHANGED TO THE COMMISSIONER OF FINANCIAL SERVICES."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Article IV, section 8, of The Constitution of the State of Montana is amended to read:

"Section 8. Limitation on terms of office. (1) The secretary of state or other authorized official shall not certify a candidate's nomination or election to, or print or cause to be printed on any ballot the name of a candidate for, one of the following offices if, at the end of the current term of that office, the candidate will have served in that office or had he not resigned or been recalled would have served in that office:

(a) 8 or more years in any 16-year period as governor, lieutenant governor, secretary of state, ~~state auditor~~ commissioner of financial services, attorney general, or superintendent of public instruction;

(b) 8 or more years in any 16-year period as a state representative;

(c) 8 or more years in any 16-year period as a state senator;

(d) 6 or more years in any 12-year period as a member of the U.S. house of representatives; and

(e) 12 or more years in any 24-year period as a member of the U.S. senate.

(2) When computing time served for purposes of subsection (1), the provisions of subsection (1) do not apply to time served in terms that end during or prior to January 1993.

(3) Nothing contained herein shall preclude an otherwise qualified candidate from being certified as nominated or elected by virtue of write-in votes cast for said candidate."

Section 2. Article VI, section 1, of The Constitution of the State of Montana is amended to read:

"Section 1. Officers. (1) The executive branch includes a governor, lieutenant governor, secretary of state, attorney general, superintendent of public instruction, and ~~auditor~~ commissioner of financial services.

(2) Each holds office for a term of four years which begins on the first Monday of January next

1 succeeding election, and until a successor is elected and qualified.

2 (3) Each shall reside at the seat of government, there keep the public records of his office, and perform
3 such other duties as are provided in this constitution and by law."

4
5 **Section 3.** Article VI, section 2, of The Constitution of the State of Montana is amended to read:

6 **"Section 2. Election.** (1) The governor, lieutenant governor, secretary of state, attorney general,
7 superintendent of public instruction, and ~~auditor~~ commissioner of financial services shall be elected by the
8 qualified electors at a general election provided by law.

9 (2) Each candidate for governor shall file jointly with a candidate for lieutenant governor in primary
10 elections, or so otherwise comply with nomination procedures provided by law that the offices of governor and
11 lieutenant governor are voted upon together in primary and general elections."

12
13 **Section 4.** Article VI, section 3, of The Constitution of the State of Montana is amended to read:

14 **"Section 3. Qualifications.** (1) No person shall be eligible to the office of governor, lieutenant
15 governor, secretary of state, attorney general, superintendent of public instruction, or ~~auditor~~ commissioner of
16 financial services unless he is 25 years of age or older at the time of his election. In addition, each shall be a
17 citizen of the United States who has resided within the state two years next preceding his election.

18 (2) Any person with the foregoing qualifications is eligible to the office of attorney general if an attorney
19 in good standing admitted to practice law in Montana who has engaged in the active practice thereof for at least
20 five years before election.

21 (3) The superintendent of public instruction shall have such educational qualifications as are provided
22 by law."

23
24 **Section 5.** Article VI, section 4, of The Constitution of the State of Montana is amended to read:

25 **"Section 4. Duties.** (1) The executive power is vested in the governor who shall see that the laws are
26 faithfully executed. He shall have such other duties as are provided in this constitution and by law.

27 (2) The lieutenant governor shall perform the duties provided by law and those delegated to him by the
28 governor. No power specifically vested in the governor by this constitution may be delegated to the lieutenant
29 governor.

30 (3) The secretary of state shall maintain official records of the executive branch and of the acts of the

1 legislature, as provided by law. He shall keep the great seal of the state of Montana and perform any other duties
2 provided by law.

3 (4) The attorney general is the legal officer of the state and shall have the duties and powers provided
4 by law.

5 (5) The superintendent of public instruction and the ~~auditor~~ commissioner of financial services shall
6 have such duties as are provided by law."

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8 **Section 6.** Article VI, section 6, of The Constitution of the State of Montana is amended to read:

9 **"Section 6. Vacancy in office.** (1) If the office of lieutenant governor becomes vacant by his
10 succession to the office of governor, or by his death, resignation, or disability as determined by law, the governor
11 shall appoint a qualified person to serve in that office for the remainder of the term. If both the elected governor
12 and the elected lieutenant governor become unable to serve in the office of governor, succession to the
13 respective offices shall be as provided by law for the period until the next general election. Then, a governor and
14 lieutenant governor shall be elected to fill the remainder of the original term.

15 (2) If the office of secretary of state, attorney general, ~~auditor~~ commissioner of financial services, or
16 superintendent of public instruction becomes vacant by death, resignation, or disability as determined by law,
17 the governor shall appoint a qualified person to serve in that office until the next general election and until a
18 successor is elected and qualified. The person elected to fill a vacancy shall hold the office until the expiration
19 of the term for which his predecessor was elected."

20
21 **Section 7.** Article VI, section 7, of The Constitution of the State of Montana is amended to read:

22 **"Section 7. 20 departments.** All executive and administrative offices, boards, bureaus, commissions,
23 agencies and instrumentalities of the executive branch (except for the office of governor, lieutenant governor,
24 secretary of state, attorney general, superintendent of public instruction, and ~~auditor~~ commissioner of financial
25 services) and their respective functions, powers, and duties, shall be allocated by law among not more than 20
26 principal departments so as to provide an orderly arrangement in the administrative organization of state
27 government. Temporary commissions may be established by law and need not be allocated within a
28 department."

29
30 **Section 8.** Article X, section 4, of The Constitution of the State of Montana is amended to read:

"Section 4. Board of land commissioners. The governor, superintendent of public instruction, ~~auditor~~
commissioner of financial services, secretary of state, and attorney general constitute the board of land
commissioners. It has the authority to direct, control, lease, exchange, and sell school lands and lands which
have been or may be granted for the support and benefit of the various state educational institutions, under such
regulations and restrictions as may be provided by law."

NEW SECTION. **Section 9. Submission to electorate.** This amendment shall be submitted to the qualified electors of Montana at the general election to be held in November 2006 by printing on the ballot the full title of this act and the following:

☐ FOR changing the name of the state auditor to the commissioner of financial services.

☐ AGAINST changing the name of the state auditor to the commissioner of financial services.

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